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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

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6 ESTEVAN ALVARADO-HERRERA,  
7 Plaintiff(s),  
8 v.  
9 ACUITY A MUTUAL INSURANCE  
10 COMPANY,  
Defendant(s).

Case No. 2:22-cv-00438-CDS-NJK

**Order**

[Docket No. 70]

11 On November 8, 2022, the Court ordered Plaintiff to provide supplemental interrogatory  
12 responses by November 22, 2022. Docket No. 61. On February 27, 2023, Plaintiff filed a motion  
13 to stay operation of that deadline pending resolution of his objection to the undersigned's order.  
14 Docket No. 70. That motion to stay does not acknowledge the fact that it was filed more than three  
15 months after the expiration of the deadline at issue. *See in re Lernout & Hauspie Securities Litig.*,  
16 219 F.R.D. 28, 30 (D. Mass. 2003) (denying as untimely motion to stay discovery order pending  
17 resolution of objection to district judge; “it is improper (and, indeed, probably contumacious) to  
18 fail to comply with [a discovery] Order and not to seek a stay at a time reasonably in advance of  
19 the time for compliance”); *Greystone Const., Inc. v. Nat'l Fire & Marine Ins. Co.*, 2008 WL  
20 795815, at \*4 (D. Colo. Mar. 21, 2008) (same); *see also PlayUp, Inc. v. Mintas*, \_\_\_\_ F. Supp. 3d  
21 \_\_\_\_, 2022 WL 10967692, at \*3 n.2 (D. Nev. Oct. 18, 2022) (“The motion to stay must be filed  
22 sufficiently in advance of the date ordered for compliance to provide the court an opportunity to  
23 rule on the motion prior to that deadline”). Having not addressed this threshold issue, the motion  
24 to stay is **DENIED** without prejudice.

25 IT IS SO ORDERED.

26 Dated: February 28, 2023

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Nancy J. Koppe  
United States Magistrate Judge